

REMARKS

Applicants have carefully reviewed the Application in light of the Office Action dated July 2, 2003. Claims 1-132 are pending and stand rejected. Applicants have amended Claims 1, 39, 44, 49, 51, and 128. Applicants submit that no new matter has been introduced by these amendments. Applicants respectfully request reconsideration and favorable action in this case. Applicants submit that the pending claims are patentably distinguishable over the cited reference.

Section 112 Rejections

Claims 1-50 stand rejected under 35 U.S.C. § 112, second paragraph. Applicants have amended Claim 1 to provide antecedent basis. Applicants submit that Claim 1 is not narrowed by this amendment and respectfully request that this rejection be withdrawn.

Section 103 Rejections

The Office Action has rejected Claims 1-132 under 35 U.S.C. § 103(a) as being unpatentable. Applicants respectfully traverse all rejections and assertions therein. Additionally, the Office Action asserts several definitions of claim terms. Applicants traverse such definitions to the extent they are inconsistent with established principles of claim interpretation.

Claims 1-6, 8-11, 15-16, 23-33, 35-37, 39, 42-44, 48-50, 51-56, 58-61, 63-66, 73-83, 85-87, 89, 92-94, 98-103, 108-109, 111-113, 117-120, 123, and 126-132 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 99/48310 to Puuskari ("*Puuskari*"). Applicants respectfully traverse this rejection and all assertions therein.

The Applicants respectfully submit that *Puuskari* fails to disclose, teach, or suggest the limitations recited in the Applicant's claims. For example, amended independent Claim 1 recites, "receiving a stream of packets for transmission in a wireless network, each packet including a flow identifier uniquely identifying the flow." This amendment makes express what was implicit and accordingly Applicants submit that this amendment does not narrow the claims. Applicants further submit the quality of service (QoS) parameters disclosed in

Puuskari does not uniquely identify the flow of packets. Accordingly, Applicants respectfully submit that Claim 1 is allowable for at least this reason.

Independent Claims 51 and 128 are allowable for analogous reasons. Claims 2-6, 8-11, 15-16, 23-33, 35-37, 39, 42-44, and 48-50 each depend from independent Claims 1 and are thus patentable over the cited art, for example, for at least the reasons discussed above with regard to Claim 1. Claims 52-56, 58-61, 63-66, 73-83, 85-87, 89, 92-94, and 98-100 each depend from independent Claims 51 and are thus patentable over the cited art, for example, for at least the reasons discussed above with regard to Claim 51. Claims 129-130 each depend from independent Claims 128 and are thus patentable over the cited art, for example, for at least the reasons discussed above with regard to Claim 128. Applicants respectfully request reconsideration and allowance of these claims.

Independent Claim 101 recites, "generating dynamic congestion control parameters for a wireless traffic queue based on a status of the wireless network." The Office Action has not cited a passage that teaches this limitation. Accordingly, Applicants respectfully request the removal of the 35 U.S.C. § 103(a) rejection of Claim 101.

Independent Claims 111 is allowable for analogous reasons. Claims 102-103 and 108-109 each depend from independent Claims 101 and are thus patentable over the cited art, for example, for at least the reasons discussed above with regard to Claim 101. Claims 112-113 and 117-119 each depend from independent Claims 111 and are thus patentable over the cited art, for example, for at least the reasons discussed above with regard to Claim 111. Applicants respectfully request reconsideration and allowance of these claims.

Independent Claim 120 recites, in part, "in response to the flow moving from the first location to a second location." The Office Action does not offer a passage for the teaching of this limitation. In fact, *Puuskari* appears to merely disclose scheduling and policing on a packet by packet basis, not based on the flow moving from one location to another. ABST. Therefore, Applicants respectfully request the removal of the 35 U.S.C. § 103 rejection of Claim 120.

Independent Claim 123 is allowable for analogous reasons. Claims 126 and 127 each depend from independent Claims 123 and are thus patentable over the cited art, for example, for at least the reasons discussed above with regard to Claim 123. Applicants respectfully request reconsideration and allowance of these claims.

Independent Claim 131 recites, "each virtual group including a meter and an adaptive congestion controller." Again, the Office Action does not offer a passage for the teaching of this limitation.

In addition, Claim 131 recites, "the adaptive congestion controller operable to dynamically control congestion in the virtual group based on available bandwidth for the virtual group in the wireless network." For the teaching of this limitation, the Office Action offers the following passage: "The priority information has two or more values indicating the importance of the packet and thus also defines the order in which data packets should be handled or discarded in case of network congestion." *Puuskari* merely discloses that priority information included in a transmitted packet may indicate that the packet can be discarded in the case of network congestion. At most, *Puuskari* discloses reducing congestion in the entire network, but it does not teach, suggest, or disclose controlling congestion in a virtual group. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. § 103 rejection of Claim 131 and its dependent 132.

Claims 7, 34, 57 and 84 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Puuskari* in further view of U.S. Patent 6,327,254 to Chuah ("*Chuah*"). Claims 12-14, 17-18, 20-22, 45, 62, 67-68, 70-72, 95, 104, 107, and 114 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Puuskari* in further view of "Quasi-Static Resource Allocation with Interference Avoidance for Fixed Wireless Systems" by Chawla, et al. ("*Chawla*"), and in further view of U.S. Patent 6,021,309 to Sherman, et al. ("*Sherman*"). Claims 19 and 69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Puuskari* in view of U.S. Patent No. 5,987,326 to Tiedemann, Jr., et al. ("*Tiedemann*"). Claims 38, 40, 88 and 90 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Puuskari* in view of U.S. Patent No. 5,926,458 to Yin ("*Yin*"). Claims 41, 91, 121, 122, 124 and 125 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Puuskari* in view of *Yin* in further view of "Service Scheduling for General Packet Radio Service Classes" to Pang, et al. ("*Pang*"). Claims 46-47, 96, 97, 105, 106, 110, 115, and 116 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Puuskari* in view of "Quality of Service Management Functions in 3rd Generation Mobile Telecommunication Networks" to Kalliokulju ("*Kalliokulju*"). Applicants respectfully traverse these rejections and all

assertions therein. Each of these claims depend from an independent claim shown above to be allowable. The Office Action cites no teaching of the claim elements missing from the primary reference in the additional seven references cited. Accordingly, these claims are allowable as depending from allowable independent claims.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

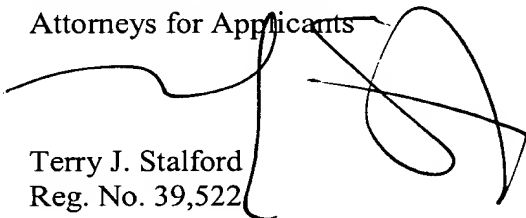
If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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